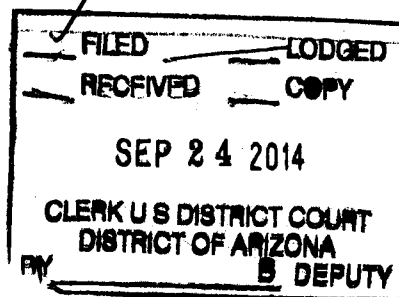


ORIGINAL

FREDDIE GENE CRUZ 096458  
Name and Prisoner/Booking NumberARIZONA STATE PRISON YUMA-CIBOLA  
Place of ConfinementP.O. Box 8820  
Mailing AddressSAN LUIS ARIZONA 85349  
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONAFREDDIE GENE CRUZ  
(Full Name of Plaintiff) Plaintiff,

vs.

(1) THE CITY OF PHOENIX;  
(Full Name of Defendant)(2) CITY OF PHOENIX POLICE DEPT;(3) POLICE OFFICER TODD GUILFORD;(4) POLICE OFFICER RICHARD FURMAN.

Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

CV-14-02129-PHX-PGR(BSB)

CASE NO. \_\_\_\_\_  
(To be supplied by the Clerk)CIVIL RIGHTS COMPLAINT  
BY A PRISONER"JURY TRIAL DEMANDED"☒ Original Complaint☐ First Amended Complaint☐ Second Amended Complaint

## A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).☐ Other: \_\_\_\_\_2. Institution/city where violation occurred: 4<sup>TH</sup> AVE JAIL / PHOENIX POLICE DEPT / CITY OF PHOENIX

550/555

**B. DEFENDANTS**

1. Name of first Defendant: TODD GUILFORD #8083. The first Defendant is employed as:  
CITY OF PHOENIX PATROL OFFICER at SOUTH MOUNTAIN PRECINCT  
(Position and Title) (Institution)
2. Name of second Defendant: RICHARD FURMAN #8068. The second Defendant is employed as:  
CITY OF PHOENIX PATROL OFFICER at SOUTH MOUNTAIN PRECINCT  
(Position and Title) (Institution)
3. Name of third Defendant: GARY VERLUBUNG. The third Defendant is employed as:  
ATTORNEY /O CITY OF PHOENIX at CITY CLERK DEPARTMENT  
(Position and Title) (Institution)
4. Name of fourth Defendant: \_\_\_\_\_. The fourth Defendant is employed as:  
\_\_\_\_\_ at \_\_\_\_\_  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

**C. PREVIOUS LAWSUITS**

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 3. Describe the previous lawsuits:
  - a. First prior lawsuit:
    1. Parties: FREDDIE GENE CRUZ v. DAMIAN BAYNES
    2. Court and case number: DISTRICT OF ARIZONA CV-132784 MUX-PGR (SPL)
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) WAS DISMISSED
  - b. Second prior lawsuit:
    1. Parties: FREDDIE GENE CRUZ v. CITY OF PHOENIX
    2. Court and case number: SUPERIOR COURT OF ARIZONA CV-2014-008595
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) STILL PENDING  
A MOTION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE UNDER RULE 41(a)
  - c. Third prior lawsuit:
    1. Parties: FREDDIE GENE CRUZ v. DAMIAN BAYNES
    2. Court and case number: SUPERIOR COURT OF ARIZONA CV-2014-010268
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) STILL PENDING

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

**D. CAUSE OF ACTION****COUNT I**

1. State the constitutional or other federal civil right that was violated: U.S. CONSTITUTION 4TH FOURTH AMENDMENT; PROHIBITION AGAINST UNREASONABLE SEARCHES AND SEIZURES.

2. Count I. Identify the issue involved. Check only one. State additional issues in separate counts.

- ☐ Basic necessities      ☐ Mail      ☐ Access to the court      ☐ Medical care  
☐ Disciplinary proceedings      ☐ Property      ☐ Exercise of religion      ☐ Retaliation  
☐ Excessive force by an officer      ☐ Threat to safety      ☒ Other: ILLEGAL SEARCH AND SEIZURES.

3. Supporting Facts. State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THIS IS A CIVIL ACTION AUTHORIZED BY U.S.C. SECTION 1983 TO REDRESS OR ESTABLISH THAT PLAINTIFF WAS DEPRIVED OF A RIGHT SECURED BY THE CONSTITUTION OR LAWS OF THE UNITED STATES AND THAT THE ALLEGED DEPRIVATION WAS COMMITTED UNDER COLOR OF STATE LAW. THIS INVOLVES A CASE THAT WAS ON GOING FROM OCT. 19, 2011 TO THE FINAL DISPOSITION OF JUDGMENT BY A SUPERIOR COURT JUDGE STATING THE CASE DISMISSED - FULL CR2012119438-001 ON 05/22/2014. FACTS OF VIOLATION OF THE U.S.C. 4TH AMENDMENT OF ILLEGAL SEARCH AND SEIZURE COMMITTED BY SAID DEFENDANT'S CITY OF PHOENIX POLICE OFFICER'S TONN GUILFORD #8083 AND RICHARD FURMAN #8068. BOTH ARE CITY OF PHOENIX POLICE OFFICERS THAT ARE RESPONSIBLE FOR THE PROTECTION AND SERVICE OF THE CITIZENS IN MARICOPA AND THE CITY OF PHOENIX. PLAINTIFF IS ALLEGING THAT DEFENDANTS TONN GUILFORD AND RICHARD FURMAN SPUR HEADED THE INVESTIGATION AND ASSISTED IN THE PROSECUTION OF THE CHARGES IN COUNT (1) POSSESSION OF A DANGEROUS DRUG AND (1) COUNT DRUG PARAPHERNALIA ON OCT. 19, 2011 DEFENDANT TONN GUILFORD REPORTED IN DR. 2011-01807002 WHILE ON "ROUTINE" PATROL WITH DEFENDANT RICHARD FURMAN AT ABOUT.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

FALSE ARREST, FALSE IMPRISONMENT, LOSS OF JOB WITH SUPER CELL HEATING AND COOLING, LOSS OF TATTOO BUSINESS AND TATTOO EQUIPMENT, AND MENTAL ANGUISH, AND SLANDER.

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Count I? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Count I to the highest level? ☐ Yes ☒ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. THIS WAS AN ONGOING CASE AND I COULDN'T FILE A CLAIM UNTIL THE FINAL JUDGMENT OF THE CASE ON 5/22/2014 WHEN I FILED A CLAIM WITH THE CITY OF PHOENIX RISK MANAGEMENT CITY FILE #14-C156-001 CLAIM WAS DENIED ON 9/10/2014

12:42 A.M. BOTH DEFENDANTS OBSERVED PLAINTIFF OPERATING A BICYCLE AT NIGHT WITHOUT A LIGHT OR REFLECTORS IN THE AREA OF 3RD STREET AND BROADWAY IN DOWNTOWN PHOENIX. DEFENDANT RICHARD FURMAN ACTING UNDER COLOR OF STATE LAW OPERATED THE PATROL CAR'S OVERHEAD LIGHTS TO CONDUCT A "ROUTINE" TRAFFIC STOP WITH PLAINTIFF A BICYCLIST. DEFENDANT TODD GUILFORD ACTING UNDER COLOR OF STATE LAW ORDERED PLAINTIFF TO SIT ON THE CURB WHILE DEFENDANTS CONDUCTED A RECORDS CHECK. PLAINTIFF IS ALLEGING THE TWO DEFENDANTS' ACTION'S OF NEGLIGENCE OF FAILING TO EXERCISE DUE CARE OF PLAINTIFF'S RIGHTS WHEN PERFORMING THEIR DUTY'S WHEN CONDUCTING A "ROUTINE" TRAFFIC STOP WITH A BICYCLIST. BECAUSE PLAINTIFF WAS STOPPED FOR A BICYCLE INFRACTION, THE TWO DEFENDANTS' SUBJECTED HIM TO AN UNREASONABLE SEARCH AND SEIZURE WITHOUT PROBABLE CAUSE. WERE THE TWO DEFENDANTS CLEARLY EXCEEDED THE PERMISSIBLE SCOPE OF THE INITIAL INVESTIGATORY DETENTION OF THE ORIGINAL PURPOSE OF THE STOP A BICYCLE INFRACTION. BECAUSE PLAINTIFF WAS ORDERED BY DEFENDANT TODD GUILFORD TO SIT ON THE CURB PRIOR TO THE INTERROGATION AND THE RECORDS CHECK HE WAS SEIZED. THE TWO DEFENDANTS' NEGLECT OF THEIR DUTY'S NEITHER INDICATED THAT PLAINTIFF COULD LEAVE THE CURB OR TOLD HIM HE WAS FREE TO LEAVE. THUS DEFENDANTS DETAINED PLAINTIFF ILLEGALLY WITHOUT PROBABLE CAUSE. PLAINTIFF DID NOT FEEL THAT HE WAS FREE TO LEAVE SINCE THE PURPOSE OF THE TRAFFIC STOP WERE OVER PRIOR TO THE INTERROGATION, YET THE

TWO DEFENDANTS STILL DID NOT TELL HIM HE COULD GET OFF THE CURB, STOP QUESTIONING HIM, OR OTHERWISE INDICATE ANYTHING BUT CONTINUED DETENTION. THE DEFENDANTS NEGLIGENCE IN DUE CARE OF THEIR DUTY'S TO UP HOLD THE LAW ACTED WRONGFULLY IN THEIR CONDUCT OF ILLEGALLY DETAINING PLAINTIFF BEYOND THE TIME NECESSARY TO PERFORM THEIR LEGITIMATE FUNCTIONS OF A ROUTINE TRAFFIC STOP OF A BICYCLE INTERACTION. SINCE THERE WAS NO LAWFUL PURPOSE OR PROBABLE CAUSE TO CONTINUED TO DETAIN AND SEARCH PLAINTIFF FOR CONTRABAND. HERE THE TWO DEFENDANTS RECKLESSNESS OF ORDERING PLAINTIFF TO SUBMIT TO A SEARCH OF HIS PERSON OR EFFECTS SEIZING CONTRABAND WITHOUT JUSTIFICATION OR PROBABLE CAUSE IN ORDER TO CHARGE PLAINTIFF WITH A COMMISSION OF A CRIME AND TO ASSIST IN THE CRIMINAL PROSECUTION VIOLATES PLAINTIFFS IV AMENDMENT OF THE UNITED STATES CONSTITUTIONAL RIGHTS OF THE PEOPLE TO BE SECURE IN THEIR PERSON AND EFFECTS AGAINST UNREASONABLE SEARCHES AND SEIZURES. SHALL NOT BE VIOLATED BUT UPON PROBABLE CAUSE. BECAUSE OF THE TWO DEFENDANTS TEDD GUILFORD AND RICHARD FURMAN ACTING WITH RECKLESSNESS AND NEGLECT OF THEIR DUTY'S CAUSED PLAINTIFF DAMAGES OF FALSE ARREST, FALSE IMPRISONMENT, LOSS OF HIS JOB WITH SUPER COOL HEATING AND COOLING, HIS TATTOO BUSINESS AND TATTOO EQUIPMENT, MENTAL ANGUISH, AND SLANDER. FOR THE FACTS STATED HERE IN COUNT (1) ONE PLAINTIFF HUMBLU SEEKS JUDGMENT BY A JURY THAT FINDS THE TWO DEFENDANTS TEDD GUILFORD AND RICHARD FURMAN LIABLE FOR THEIR NEGLECT OF DUTY'S AND WRONGFUL ACTIONS OF UNREASONABLE



SEARCH AND SEIZURE AND THAT BOTH DEFENDANTS COMMITTED THESE ACT'S UNDER COLOR OF STATE LAW. PLAINTIFF ALSO HUMBLLY SEEKS JUDGMENT BY A JURY THAT ENTITLES HIM TO MONETARY RELIEF OF COMPENSATORY, PUNITIVE, DISCRETIONARY AND LIBEL PER SE SLANDER DAMAGES FROM EACH DEFENDANT TEDD GUILFORD AND RICHARD FURMAN AND ANYONE JOINTLY INVOLVED IN THIS ACTION THAT THE COURT SEEMS JUST AND EQUITABLE.

## COUNT II

1. State the constitutional or other federal civil right that was violated: U.S. CONSTITUTION VIII EIGHT AMENDMENT; PROHIBITION AGAINST CRUEL AND UNUSUAL PUNISHMENT INFLICTED.

2. Count II. Identify the issue involved. Check **only one**. State additional issues in separate counts.

- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion   | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>FALSE ARREST AND FALSE IMPRISONMENT</u> |                                       |

3. Supporting Facts. State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THIS IS A CIVIL ACTION AUTHORIZED BY U.S.C. SECTION 1983 TO REDRESS OR ESTABLISH THAT PLAINTIFF WAS DEPRIVED OF A RIGHT SECURED BY THE CONSTITUTION OR LAW OF THE UNITED STATES. AND THAT THE ALLEGED DEPRIVATION WAS COMMITTED UNDER COLOR OF STATE LAW. THIS CLAIM OR ACTION INVOLVES A CASE THAT WAS ON GOING FROM OCT. 19, 2011 TO THE FINAL DISPOSITION OF JUDGMENT BY A JUDGE'S RULING OF THE CASE DISMISSED - FULL PR. 2012-119438-001 ON 05/22/2014. HERE PLAINTIFF IS ALLEGING THAT THE TWO DEFENDANTS TODD GUILFORD #8083 AND RICHARD FURMAN #8068 ARE BOTH CITY OF PHOENIX POLICE OFFICERS AND RESIDENTS OF MARICOPA COUNTY THEY ARE RESPONSIBLE FOR THE PROTECTION AND SERVICE OF THE CITIZENS IN MARICOPA AND THE CITY OF PHOENIX. PLAINTIFF IS ALLEGING THAT DEFENDANTS TODD GUILFORD AND RICHARD FURMAN SPEAR HEADED THE INVESTIGATION AND ASSISTED IN THE PROSECUTION OF THE CHARGES (1) COUNT POSSESSION OF DANGEROUS DRUGS AND (2) COUNT DRUG PARAPHERNALIA. ON OCT. 19, 2011 DEFENDANT TODD GUILFORD REPORTED IN DR: 2011-01807002 WHILE ON "ROUTINE" PATROL WITH DEFENDANT RICHARD FURMAN AT ABOUT 12:42 A.M. OBSERVED PLAINTIFF OPERATING A BICYCLE AT NIGHT WITHOUT A LIGHT OR REFLECTOR IN THE AREA OF 3RD ST. AND BROADWAY IN DOWNTOWN PHOENIX AS STATED IN COUNT (1) ONE. THE TWO

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

FALSE ARREST, FALSE IMPRISONMENT, LOSS OF JOB WITH SUPER COOL HEATING AND COOLING. LOSS OF TATTOO BUSINESS AND TATTOO EQUIPMENT, MENTAL ANGUISH, AND SUFFER.

5. Administrative Remedies.

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Count II? ☒ Yes ☐ No
- Did you appeal your request for relief on Count II to the highest level? ☐ Yes ☒ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. I COULDN'T FILE A CLAIM UNTIL THE FINAL JUDGMENT ON 05/22/14 WHEN I FILED A CLAIM WITH THE CITY OF PHOENIX RISK MANAGEMENT #14-0156-001 CLAIM WAS DENIED ON 09/10/2014

DEFENDANTS TODD GUILFORD AND RICHARD FURMAN'S ACTIONS OF  
 NEGLIGENCE OF FAILING TO EXERCISE DUE CARE OF PLAINTIFF'S  
 RIGHTS WHEN PERFORMING THEIR DUTY'S WHILE CONDUCTING A  
 "ROUTINE" TRAFFIC STOP WITH A BICYCLIST. BECAUSE PLAINTIFF WAS  
 STOP FOR A BICYCLE VIOLATION THE TWO DEFENDANTS SUBJECTED  
 HIM TO AN UNREASONABLE SEARCH AND SEIZURE WITHOUT PROBABLE  
 CAUSE THAT WHICH LED TO THE DISCOVERY OF ILLEGAL CONTRABAND  
 BY DEFENDANT RICHARD FURMAN. THE TWO DEFENDANTS THEN CHARGED  
 PLAINTIFF WITH THE COMMISSION OF A CRIME WHEN TEST CAME  
 BACK POSITIVE FOR A DANGEROUS DRUG. PLAINTIFF IS ALLEGING THAT  
 DUE TO THE TWO DEFENDANTS NEGLIGENCES IN VIOLATING PLAINTIFF  
 RIGHTS OF THE IV AMENDMENT OF THE UNITED STATES LED TO HIS  
 FALSE ARREST AND FALSE IMPRISONMENT ON ABOUT 02/29/2012  
 WHERE PLAINTIFF WAS ARRESTED AND PLACED IN CUSTODY IN THE  
 CITY OF PHOENIX FOURTH AVENUE MAXIMUM SECURITY JAIL TO  
 AWAIT TRIAL. WHILE PLAINTIFF WAS IN CUSTODY HE HAD TO BE  
 PLACED ON SUICIDE WATCH DUE TO A MENTAL BREAK DOWN  
 PLAINTIFF WAS THEN RELEASED FROM CUSTODY ON ABOUT 11/  
 14/2012 THIS RELEASE WAS DUE TO A MOTION FOR AUTOMATIC  
 RELEASE FROM CUSTODY. DUE TO THE CITY OF PHOENIX COUNTY  
 ATTORNEY'S FAILURE TO HOLD A PRELIMINARY HEARING IN THE TIME  
 ALLOWED BY ARIZONA RULES OF CRIMINAL PROCEDURES THE  
 CITY OF PHOENIX COUNTY ATTORNEY WITH THE ASSISTANCE OF  
 THE TWO DEFENDANTS TODD GUILFORD AND RICHARD FURMAN  
 REFILED SAID CHARGES TO PROSECUTE PLAINTIFF. PLAINTIFF  
 WAS AGAIN BACK IN CUSTODY ON 06/10/2013 AWAITING



TRIAL WHEN ON 05/22/2014 IN THE SUPERIOR COURT THE JUDGE ORDERED THE CASE DISMISSED-FULL. PLAINTIFF IS ALLEGING THAT THE DEFENDANTS RECKLESSNESS ACTIONS VIOLATED PLAINTIFF'S U.S. CIVIL AMENDMENT RIGHT TO BE FREE FROM UNREASONABLE SEARCHES AND SEIZURES. AS STATED IN COUNT (1) ONE OF THIS ACTION LED TO PLAINTIFF'S FALSE ARREST AND FALSE IMPRISONMENT TO AWAIT TRIAL. PLAINTIFF ALLEGES AN U.S.C. VIII AMENDMENT VIOLATION DUE TO THE TWO DEFENDANTS' NEGLIGENCE IN VIOLATING HIS RIGHTS PLACED PLAINTIFF IN AN UNLAWFUL DETENTION AND ARREST FOR THE FACTS STATED CAUSED PLAINTIFF DAMAGES OF FALSE ARREST, FALSE IMPRISONMENT, MENTAL ANGUISH, LOSS OF HIS JOB WITH SUPER COOL HEATING AND COOLING, HIS TATTOO BUSINESS AND TATTOO EQUIPMENT, AND SLANDER. HERE PLAINTIFF HUMBLY SEEKS JUDGMENT BY A JURY THAT FINDS THE DEFENDANTS TODD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE JOINTLY INVOLVED IN THIS ACTION LIABLE FOR THEIR NEGLIGENCE THAT LED TO THE VIOLATION OF PLAINTIFF'S U.S.C. VIII EIGHT AMENDMENT OF FALSE ARREST AND IMPRISONMENT WITHOUT PROBABLE CAUSE OR JUSTIFICATION AND THAT THEIR ACTIONS WERE COMMITTED UNDER COLOR OF STATE LAW. PLAINTIFF ALSO HUMBLY SEEKS JUDGMENT BY A JURY THAT ENTITLES HIM TO MONETARY RELIEF OF COMPENSATORY, PUNITIVE, DISCRETIONARY, AND LIBEL PER SE SLANDER DAMAGES FROM EACH DEFENDANT TODD GUILFORD, RICHARD FURMAN, AND THE CITY OF PHOENIX AS AN ENTITY OR PUBLIC EMPLOYEE AND ANYONE JOINTLY INVOLVED IN THIS ACTION THE COURT SEEMS JUST AND EQUITABLE.

## COUNT III

1. State the constitutional or other federal civil right that was violated: U.S. CONSTITUTION XIV EQUAL PROTECTION AMENDMENT SECTION 1. DEPRIVE ANY PERSON OF LIBERTY OR EQUAL PROTECTION WITHOUT DUE PROCESS OF LAW

2. Count III. Identify the issue involved. Check only one. State additional issues in separate counts.

- ☐ Basic necessities      ☐ Mail      ☐ Access to the court      ☐ Medical care  
☐ Disciplinary proceedings      ☐ Property      ☐ Exercise of religion      ☐ Retaliation  
☐ Excessive force by an officer      ☐ Threat to safety      ☒ Other: DUE PROCESS AND EQUAL PROTECTION, LIBERTY OF LAW

3. Supporting Facts. State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THIS IS A CIVIL ACTION AUTHORIZED BY U.S.C. SECTION 1983 TO REDRESS OR ESTABLISH THAT PLAINTIFF WAS DEPRIVED OF A RIGHT SECURED BY THE CONSTITUTION OR LAW OF THE UNITED STATES, AND THAT THE ALLEGED DEPRIVATION WAS COMMITTED UNDER COLOR OF STATE LAW. FACTS OF U.S.C. XIV AMENDMENT VIOLATION COMMITTED BY SAID DEFENDANTS IN THIS ACTION AS STATED IN COUNT(I) AND IN COUNT II ON OCT. 19, 2011 DEFENDANTS TERRY GUILFORD AND RICHARD FURMAN TWO CITY OF PHOENIX POLICE OFFICERS ACTING WITH NEGLIGENCE VIOLATED PLAINTIFFS RIGHTS WHEN CONDUCTING A ROUTINE TRAFFIC STOP FOR A BICYCLE INFRACTION. FIRST OF ALL DEFENDANT TERRY GUILFORD NEGLECT IN HIS DUTY'S UNLAWFULLY ACCUSED PLAINTIFF OF VIOLATING A.R.S. SECTION 28-1595(B) A MOTOR VEHICLE STATUTE COMPLETELY INAPPLICABLE TO A BICYCLIST. SECOND DEFENDANT TERRY GUILFORD EXCEEDED THE PERMISSIBLE SCOPE OF THE INITIAL INVESTIGATORY DETENTION BY DETAINING PLAINTIFF BEYOND THE TIME NECESSARY TO PERFORM HIS LEGITIMATE FUNCTIONS OF THE ORIGINAL PURPOSE OF THE STOP A BICYCLE INFRACTION VIOLATES PLAINTIFFS DUE PROCESS BECAUSE ONCE THE RECORDS CHECK WAS COMPLETE THERE WAS NO WARRANTS OR OTHER CUSTODY HOLDS OF ANY KIND WAS REQUIRED TO END HIS DETENTION. INSTEAD DEFENDANTS NEGLECT OF PLAINTIFFS RIGHTS AND AFTER CONFIRMING NO WARRANTS OR OTHER CUSTODY HOLDS EXISTED FOR PLAINTIFF THE TWO DEFENDANTS TERRY GUILFORD.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

FALSE ARREST, FALSE IMPRISONMENT, MENTAL ANGUISH, LOSS OF JOB WITH SUPER COOL HEATING AND COOLING, LOSS OF TATTOO BUSINESS AND TATTOO EQUIPMENT, AND SLANDER.

5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Count III? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Count III to the highest level? ☐ Yes ☒ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. I COULDN'T FILE A CLAIM UNTIL THE FINAL JUDGMENT ON 05/22/14 WHEN I FILED A CLAIM WITH THE CITY OF PHOENIX RISK MANAGEMENT #14-0156-001 CLAIM WAS DENIED ON 09/10/14

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

AND RICHARD FURMAN WENT ON A FISHING EXPEDITION TO ASK QUESTIONS COMPLETELY UNRELATED TO THE ORIGINAL PURPOSE OF THE STOP: A BICYCLE INFRACTION. IN ESSENCE, THEIR SUSPICIONS WERE DISPELLED THE MOMENT THE BACKGROUND CHECK WAS COMPLETE AND THEY CONFIRMED THAT THE BICYCLE HAD NO LIGHTS OR REFLECTORS. BECAUSE NOT A SINGLE SLIVER OF EVIDENCE EXISTED TO SUPPLY THE TWO DEFENDANTS WITH REASONABLE SUSPICION OR PROBABLE CAUSE TO CONTINUE TO DETAIN AND SEARCH PLAINTIFF FOR WEAPONS OR CONTRABAND THUS VIOLATING PLAINTIFFS U.S. CIVIL AMENDMENT RIGHT OF DUE PROCESS AND EQUAL PROTECTION OF LAW. THE TWO DEFENDANTS TODD GUILFORD AND RICHARD FURMAN ACTING WITH NEGLIGENCE OF THEIR DUTY'S FAILED TO READ PLAINTIFF HIS MIRANDA WARNINGS BEFORE QUESTIONING HIM ABOUT WHAT WAS ON HIS PERSON OR EFFECTS VIOLATED PLAINTIFFS DUE PROCESS RIGHTS AND EQUAL PROTECTION OF THE U.S. CIVIL AMENDMENT. DEFENDANT RICHARD FURMAN ACTIONS OF NEGLIGENCE OF HIS DUTY'S AND PLAINTIFFS RIGHTS EXCEED THE PERMISSIBLE SCOPE OF AN INITIAL INVESTIGATORY DETENTION JUST AS DEFENDANT TODD GUILFORD. DEFENDANTS WRONGFUL ACTIONS AND NEGLIGENCE OF HIS DUTY'S CONTINUED TO DETAIN PLAINTIFF FOR THE SOLE PURPOSE TO CONDUCT A SEARCH OF PLAINTIFFS PERSON AND EFFECTS WITHOUT DUE PROCESS OF HAVING PROBABLE CAUSE TO JUSTIFY THE INTRUSION THUS VIOLATING PLAINTIFFS U.S. CIVIL AMENDMENT RIGHT SECTION 1. PLAINTIFF ALLEGES THAT THE CITY OF PHOENIX COUNTY ATTORNEY HAD NO PROBABLE CAUSE TO JUSTIFY IN HOLDING PLAINTIFF IN CUSTODY TO AWAIT TRIAL. THUS VIOLATING PLAINTIFFS CIVIL AMENDMENT RIGHT OF THE UNITED STATES. PLAINTIFF IS ALSO ALLEGING THAT BECAUSE THE CITY OF PHOENIX

COUNTY ATTORNEY FAILED TO HOLD PRELIMINARY HEARING ON AUGUST 21, 2012 VIOLATED PLAINTIFFS U.S.C. XIV AMENDMENT OF DUE PROCESS OF LAW AND EQUAL PROTECTION OF LAW. THE CITY OF PHOENIX ARE RESPONSIBLE FOR THE PROTECTION OF THE CITIZEN'S RIGHTS AND TO UPHOLD THE LAW. AND THE SAID DEFENDANTS TEDD GUILFORD AND RICHARD FURMAN ARE EMPLOYEES OF THE CITY OF PHOENIX POLICE DEPARTMENT HEREIN MARICOPA COUNTY THEY ARE RESPONSIBLE FOR THE PROTECTION AND SERVICE OF THE CITIZEN'S IN MARICOPA COUNTY AND THE CITY OF PHOENIX. BECAUSE OF THE NEGLECT OF THEIR DUTY'S TO UPHOLD THE LAW SAID DEFENDANTS TEDD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEES OF THE CITY OF PHOENIX VIOLATED PLAINTIFFS U.S.C. XIV AMENDMENT RIGHT CAUSING DAMAGES OF SLANDER, FALSE ARREST, FALSE IMPRISONMENT, MENTAL ANGUISH, LOSS OF JOB WITH SUPER COOL HEATING AND COOLING, HIS TATTOO BUSINESS, AND TATTOO EQUIPMENT. FOR THE FACTS STATED HEREIN COUNT III PLAINTIFF HUMBLU SEES JUDGMENT BY A JURY THAT FINDS SAID DEFENDANTS TEDD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY LIABLE FOR THEIR NEGLIGENCE IN THE CARE OF PLAINTIFF'S U.S.C. XIV AMENDMENT RIGHT VIOLATING IT DEPRIVING PLAINTIFF OF LIBERTY WITHOUT DUE PROCESS AND EQUAL PROTECTION OF LAW. AND THAT SAID DEFENDANTS COMMITTED SAID ACT'S UNDER COLOR OF STATE LAW. PLAINTIFF ALSO SEEKS HUMBLU JUDGMENT BY A JURY THAT ENTITLES HIM TO MONETARY RELIEF OF COMPENSATORY, PUNITIVE, DISCRETIONARY AND LIBEL PER SE SLANDER DAMAGES FROM EACH DEFENDANT TEDD GUILFORD, RICHARD FURMAN, AND THE CITY OF PHOENIX AS AN ENTITY AND ANYONE JOINTLY INVOLVED IN THIS ACTION THE COURT SEEMS JUST AND EQUITABLE.

E. REQUEST FOR RELIEF

State the relief you are seeking:

IN COUNT (1) ONE FOR THE VIOLATION OF PLAINTIFF'S U.S. CONSTITUTIONAL RIGHT OF THE 4TH FOURTH AMENDMENT COMMITTED BY SAID DEFENDANTS T. DONCUILFORD, RICHARD FARMAN AND THE CITY OF PHOENIX OF UNREASONABLE SEARCHES AND SEIZURES PLAINTIFF HUMBLY SEEKS MONETARY RELIEF OF COMPENSATORY DAMAGES FOR A PROVEN INJURY OR LOSS IN THE AMOUNT OF \$250,000 TWO HUNDRED AND FIFTY THOUSAND, FROM EACH DEFENDANT JOINTLY INVOLVED IN THIS ACTION. PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT (1).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 09/18/2014  
DATE

Freddie Gene Cruz  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

\_\_\_\_\_  
(Signature of attorney, if any)

\_\_\_\_\_  
(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.



ONE OF PUNITIVE DAMAGES FOR THE DEFENDANTS ACTIONS OF RECKLESSNESS, MALICE, OR DECEIT DAMAGES ASSESSED BY WAY OF PENALIZING THE WRONGDOER OR MAKING AN EXAMPLE TO OTHERS IN THE AMOUNT OF \$300,000 THREE HUNDRED THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED IN THIS ACTION NAMING TEDD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEES OF THE CITY OF PHOENIX.

PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT (I) ONE OF DISCRETIONARY DAMAGES SUCH AS MENTAL ANGUISH OR PAIN AND SUFFERING CAUSED BY SAID DEFENDANTS IN THIS ACTION IN THE AMOUNT OF \$150,000 ONE HUNDER AND FIFTY THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED NAMING TEDD

GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX. PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT (I) ONE OF LIBEL PER SE SLANDER DAMAGES IN THE AMOUNT OF \$50,000 FIFTY THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED IN THIS ACTION NAMING TEDD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX. IN COUNT (II) TWO FOR THE VIOLATION OF PLAINTIFFS U.S. CONSTITUTIONAL RIGHT OF THE VIII EIGHT AMENDMENT OF FALSE ARREST AND FALSE IMPRISONMENT OR DETENTION COMMITTED BY SAID DEFENDANTS TEDD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY. PLAINTIFF

HUMBLY SEEKS MONETARY RELIEF OF COMPENSATORY DAMAGES FOR A PROVEN INJURY OR LOSS IN THE AMOUNT OF \$250,000 TWO HUNDRED AND FIFTY THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED IN THIS ACTION THAT THE COURTS SEEM JUST AND EQUITABLE. PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT (II) TWO OF PUNITIVE DAMAGES FOR THE DEFENDANTS ACTIONS OF RECKLESSNESS, MALICE, OR DECEIT DAMAGES ASSESSED BY WAY OF PENALIZING THE WRONGDOER OR MAKING AN EXAMPLE TO OTHERS IN THE AMOUNT OF \$300,000 THREE HUNDRED THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED IN THIS ACTION NAMING TODD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX THAT THE COURTS SEEM JUST AND EQUITABLE. PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT (II) TWO OF DISCRETIONARY DAMAGES SUCH AS MENTAL ANGUISH OR PAIN AND SUFFERING CAUSED BY SAID DEFENDANTS IN THIS ACTION IN THE AMOUNT OF \$150,000 ONE HUNDRED AND FIFTY THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED NAMING TODD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX. PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT (II) TWO OF LIBEL PER SE SLANDER DAMAGES IN THE AMOUNT OF

\$ 50,000 FIFTY THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED IN THIS ACTION NAMING TODD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX. IN COUNT (III) THREE FOR THE VIOLATION OF PLAINTIFFS U.S. CONSTITUTIONAL RIGHT OF THE XIV FOURTEENTH AMENDMENT OF DUE PROCESS, LIBERTY AND EQUAL PROTECTION OF LAW. COMMITTED BY SAID DEFENDANTS TODD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX. PLAINTIFF HUMBLU SEEKS MONETARY RELIEF OF COMPENSATORY DAMAGES FOR A PROVEN INJURY OR LOSS IN THE AMOUNT OF \$ 250,000 TWO HUNDRED AND FIFTY THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED IN THIS ACTION THAT THE COURTS SEEM JUST AND EQUITABLE. PLAINTIFF HUMBLU SEEKS MONETARY RELIEF IN COUNT (III) THREE OF PUNITIVE DAMAGES FOR THE DEFENDANTS ACTIONS OF RECKLESSNESS, MALICE OR DECEIT DAMAGES ASSESSED BY WAY OF PENALIZING THE WRONGDOER OR MAKING AN EXAMPLE TO OTHERS IN THE AMOUNT OF \$ 300,000 THREE HUNDRED THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED IN THIS ACTION NAMING TODD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX THAT THE COURTS SEEM

JUST AND EQUITABLE. PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT(III) THREE OF DISCRETIONARY DAMAGES SUCH AS MENTAL ANGUISH OR PAIN AND SUFFERING CAUSED BY SAID DEFENDANTS IN THIS ACTION IN THE AMOUNT OF \$150,000 ONE HUNDRED AND FIFTY THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED NAMING TODD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX. PLAINTIFF HUMBLY SEEKS MONETARY RELIEF IN COUNT III THREE OF LIBEL PER SE SLANDER DAMAGES IN THE AMOUNT OF \$50,000 FIFTY THOUSAND FROM EACH DEFENDANT JOINTLY INVOLVED IN THIS ACTION NAMING TODD GUILFORD, RICHARD FURMAN AND THE CITY OF PHOENIX AS AN ENTITY OR EMPLOYEE OF THE CITY OF PHOENIX THAT THE COURTS SEEM JUST AND EQUITABLE.